IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16106 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANANTRAI LAKHUBHAI PATTANI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 16106 of 2004

MR HARSHIT S TOLIA for Petitioner No. 1

MR SP HASURKAR, AGP for Respondent No. 1-6

MR MURALI N DEVNANI for Respondent No. 7

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 10/02/2005

ORAL JUDGEMENT

Rule. Learned AGP Mr.Hasurkar waives service of rule on behalf of respondent Nos.1 to 5 and learned

advocate Mr.M.N.Devnani waives service of notice of rule on behalf of respondent No.7. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. In the present petition, the petitioner has challenged the selection process through the interview carried out by the respondent No.3 through a selection committee. Pursuant to the said selection process, respondent No.7 came to be appointed for the post of Finance Consultant in the Junagadh Civil hospital. In the petition, the petitioner has made serious allegations of personal malafides against one of the members of the selection committee, namely, respondent No.4 herein. It is the case of the petitioner that the selection process was not properly undertaken and that the petitioner was not given proper chance to participate in the interview. Though the allegations of personal malafides have been denied by affidavit filed by respondent No.4, the Chairman of the Selection Committee has not filed any affidavit personally and there appears to be some divergence of opinion about the exact procedure adopted by the Selection Committee. In view of the serious allegations and counter allegations, it would be proper not to disturb the present appointment of respondent No.7 at least for the present term of three moths for which he is appointed. I am informed by the learned AGP on the basis of the instructions supplied by respondent No.6 who is present in the Court that appointment of respondent No.7 is likely to continue at least till the end of this year. Until such time the present arrangement need not be disturbed and it would be open for the authorities to engage respondent No.7 till the end of 2005 on the basis of selection already made. However, if the requirement is likely to continue thereafter and if there is need to engage a Finance Consultant beyond the said period, the official respondents shall draw a fresh selection list on the basis of fresh interviews by a fresh selection committee. Respondent No.6 who was holding the post of Civil Surgeon has now been transferred. There will be a new officer who will be holding the said post. I am sure, he will draw a proper selection committee as the situation may require. With these directions, the petition is disposed of. Rule is discharged. The amount of Rs.5000/= deposited by the petitioner shall be returned to the petitioner.

(Akil Kureshi, J.)
(vjn)